

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

John Doe,)	Civil Action No. 2:17-2671-RMG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
College of Charleston <i>and</i> Jane Doe,)	
)	
Defendants.)	
)	

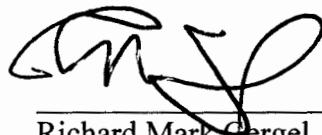
This matter is before the Court on Plaintiff's motion to expedite discovery (Dkt. No. 9). Discovery is ordinarily stayed until after the parties' Rule 26(f) conference. Plaintiff seeks an order allowing discovery to begin immediately and requiring responses to discovery requests to be made within fourteen days of service of the request. Plaintiff asserts this is necessary because he needs expedited discovery to support his motion for a preliminary injunction.

The Court previously ruled that Jane Doe need not respond to motions in this matter until the Court rules on the College of Charleston's motion to dismiss. (Dkt No. 21.) Further, the complaint does not pray for injunctive relief against Jane Doe. The Court therefore **DENIES** the motion for expedited discovery as to Jane Doe.

The College of Charleston has a pending motion under Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff's claim against it. The motion is short (seven pages) and uncomplicated. It is also the College of Charleston's response to Plaintiff's motion for a preliminary injunction and motion for expedited discovery. (Dkt. No. 20 n.1.) After the Court, on Plaintiff's motion, agreed to give the matter expedited consideration, Plaintiff sought an extension of time to respond to the College of Charleston's motion, which the Court granted but deemed to be a withdrawal of Plaintiff's request for expedited consideration. (Dkt. No. 24.) The

Court will not grant Plaintiff expedited merits discovery before Plaintiff responds to a simple Rule 12(b)(6) motion. The Court therefore **DENIES** the motion for expedited discovery as to the College of Charleston. If Plaintiff's claim against the College of Charleston survives the motion to dismiss, Plaintiff may then propose an expedited discovery schedule in support of his motion for a preliminary injunction.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

November 2, 2017
Charleston, South Carolina